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ATTORNEYS

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November 14, 2005

RECEIVED

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PUBLIC SERVICE
COMMISSION

via Hand Delivery
Ms. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

Re: *The Application of BellSouth Mobility, LLC, d/b/a Cingular Wireless - Kentucky for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility at Rough and Tough Road, Prestonsburg, Kentucky 41653 or, in the Alternative, an Order Requiring Co-Location on Reasonable Terms and Conditions in the Wireless Communications License Area in the Commonwealth of Kentucky in the County of Floyd; Site name: Brainard; Case No. 2004-00413*

Dear Ms. O'Donnell:

Enclosed for filing with the Public Service Commission is one original and ten (10) copies of East Kentucky Network, LLC's Motion to Order New Cingular Wireless to Respond to its Data Requests in the above-styled case.

Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk
Enclosures

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISS

ORIGINAL

In the Matter of:

THE APPLICATION OF BELLSOUTH MOBILITY, LLC,)
D/B/A CINGULAR WIRELESS - KENTUCKY)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
A WIRELESS COMMUNICATIONS FACILITY AT)
ROUGH AND TOUGH ROAD)
PRESTONSBURG, KENTUCKY 41653 OR, IN THE)
ALTERNATIVE, AN ORDER REQUIRING CO-LOCATION)
ON REASONABLE TERMS AND CONDITIONS)
IN THE WIRELESS COMMUNICATIONS)
LICENSE AREA IN THE COMMONWEALTH OF)
KENTUCKY IN THE COUNTY OF FLOYD)

CASE NO. 2004-00413

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PUBLIC SERVICE
COMMUNICATIONS

SITE NAME: BRAINARD

**MOTION TO ORDER NEW CINGULAR WIRELESS
TO RESPOND TO DATA REQUESTS**

East Kentucky Network, LLC ("East Kentucky Network"), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "Commission") to order Cingular Wireless, PCS, LLC d/b/a Cingular Wireless ("New Cingular") to respond to the attached data requests of East Kentucky Network by November 30, 2005. In support of its motion, East Kentucky Network states as follows.

This matter concerns New Cingular's application for a certificate of public convenience and necessity to construct a cellular communications facility in Floyd County, Kentucky, or in the alternative, to co-locate on the cellular tower owned by East Kentucky Network on Rough and Tough Road in Prestonsburg, Kentucky. By order of the Commission dated October 17, 2005, the Commission granted New Cingular's motion for joinder and made East Kentucky Network a party to

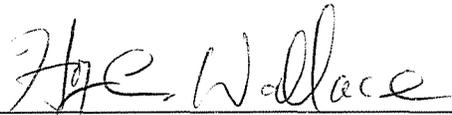
the proceeding. The Commission also order East Kentucky Network to respond to New Cingular's data requests, which it did on November 7, 2005. The Commission's order, however, did not provide for East Kentucky Network to submit data requests to New Cingular.

Now that East Kentucky Network has been made a party to the proceeding pursuant to the Commission's order, it must be provided an opportunity to establish an evidentiary record in support of its position. East Kentucky Network cannot do so without New Cingular's responses to its data requests. New Cingular's responses are indispensable to East Kentucky Network's ability to establish the basis for its co-location fee, and the reasonableness of that fee.

In addition, the parties continue to actively negotiate the terms of the co-location. East Kentucky Network is hopeful that New Cingular's responses to its data requests will serve to advance the parties' negotiations.

For the reasons stated above, East Kentucky Network respectfully requests that the Commission order New Cingular to respond to the attached data requests by November 30, 2005.

Respectfully submitted,



John E. Selent

Holly C. Wallace

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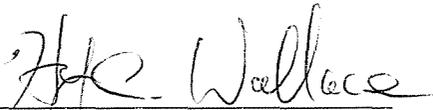
(502) 585-2207 (Fax)

Counsel to East Kentucky Network, LLC

CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing was served by first class United States mail this 14th day of November, 2005, upon the following:

David A. Pike
Pike Legal Group, PLLC
1578 Highway 44 East, Suite 6
P.O. Box 369
Shepherdsville, KY 40165-0369
Counsel to BellSouth Mobility



**Counsel to East Kentucky
Network, LLC**

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**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

THE APPLICATION OF BELLSOUTH MOBILITY, LLC,)
D/B/A CINGULAR WIRELESS - KENTUCKY)
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT) CASE NO. 2004-00413
A WIRELESS COMMUNICATIONS FACILITY AT)
ROUGH AND TOUGH ROAD)
PRESTONSBURG, KENTUCKY 41653 OR, IN THE)
ALTERNATIVE, AN ORDER REQUIRING CO-LOCATION)
ON REASONABLE TERMS AND CONDITIONS)
IN THE WIRELESS COMMUNICATIONS)
LICENSE AREA IN THE COMMONWEALTH OF)
KENTUCKY IN THE COUNTY OF FLOYD)

SITE NAME: BRAINARD

**EAST KENTUCKY NETWORK'S FIRST SET OF INFORMATION REQUESTS TO
NEW CINGULAR WIRELESS**

East Kentucky Network, LLC ("East Kentucky Network"), by counsel, hereby serves its first set of information requests upon New Cingular Wireless PCS, LLC ("New Cingular").

INTERROGATORIES

1. Explain fully and in detail the purposes for which New Cingular seeks to co-locate its cellular facilities on East Kentucky Network's tower at East Kentucky Network's Rough and Tough Cell Site (the "Tower").

ANSWER:

2. Explain fully and in detail why New Cingular proposes to co-locate three satellite dishes per side of the Tower.

ANSWER:

3. Identify any other cellular towers owned by East Kentucky Network upon which New Cingular anticipates co-locating cellular facilities. For each, identify the cellular facilities that New Cingular anticipates co-locating on those towers, and explain fully and in detail the purposes for co-locating the anticipated facilities on each of the towers.

ANSWER:

4. With respect to your response to Interrogatory No. 1, identify any documents in your possession, custody or control that relate to the purposes for which New Cingular seeks to co-locate its cellular facilities on the Tower.

ANSWER:

5. With respect to your response to Interrogatory No. 1, identify any and all persons with knowledge of the purposes for which New Cingular seeks to co-locate its cellular facilities on the Tower.

ANSWER:

6. Identify each and every cellular tower in Kentucky upon which New Cingular has co-located cellular facilities. For each cellular tower identified, provide the full street address and coordinates of the tower, and identify the owner of the tower.

7. For each cellular tower identified in Interrogatory No. 6, provide the amount of any lump sum up-front payment for the co-location.

ANSWER:

8. For each cellular tower identified in Interrogatory No. 6, provide the amount of the per month rental fee for the co-location.

ANSWER:

9. For each cellular tower identified in Interrogatory No. 6, provide the amount of any fees for access/utility easements relating to the co-location.

ANSWER:

10. For each cellular tower identified in Interrogatory No. 6, provide the amount of the per month co-location fee.

ANSWER:

11. For each cellular tower identified in Interrogatory No. 6, provide the amount of the monthly fee per antennae, per foot of coaxial cable one inch (1") in diameter or less, per foot of coaxial cable greater than one inch (1") in diameter, per satellite dish six feet (6') or less in diameter, and per satellite dish in excess of six feet (6') in diameter.

ANSWER:

12. For each cellular tower identified in Interrogatory No. 6, describe any other fees in any way related to the co-location which have not otherwise been identified.

ANSWER:

13. For each cellular tower identified in Interrogatory No. 6, identify any and all persons with knowledge of the subject matter of the co-location.

ANSWER:

14. For each cellular tower identified in Interrogatory No. 6, state whether there is a master co-location agreement or other agreement relating to the co-location.

ANSWER:

15. Identify each and every cellular tower in Kentucky owned by New Cingular and upon which New Cingular has permitted another company to co-locate its cellular facilities. For each cellular tower identified, provide the full street address and coordinates of the tower, and identify the company or companies that have co-located cellular facilities on the tower.

ANSWER:

16. For each cellular tower identified in Interrogatory No. 15, provide the amount of any lump sum up-front payment for the co-location.

ANSWER:

17. For each cellular tower identified in Interrogatory No. 15, provide the amount of the per month rental fee for the co-location.

ANSWER:

18. For each cellular tower identified in Interrogatory No. 15, provide the amount of any fees for access/utility easements relating to the co-location.

ANSWER:

19. For each cellular tower identified in Interrogatory No. 15, provide the amount of the per month co-location fee.

ANSWER:

20. For each cellular tower identified in Interrogatory No. 15, provide the amount of the monthly fee per antennae, per foot of coaxial cable one inch (1") in diameter or less, per foot of coaxial cable greater than one inch (1") in diameter, per satellite dish six feet (6') or less in diameter, and per satellite dish in excess of six feet (6') in diameter.

ANSWER:

21. For each cellular tower identified in Interrogatory No. 15, describe any other fees in any way related to the co-location which have not otherwise been identified.

ANSWER:

22. For each cellular tower identified in Interrogatory No. 15, identify any and all persons with knowledge of the subject matter of the co-location.

ANSWER:

23. For each cellular tower identified in Interrogatory No. 15, state whether there is a master co-location agreement or other agreement relating to the co-location.

ANSWER:

24. Describe in detail New Cingular's co-location policy.

ANSWER:

25. With respect to your response to Interrogatory No. 24, identify any documents in your possession, custody or control that relate to New Cingular's co-location policy.

ANSWER:

26. With respect to your response to Interrogatory No. 24, identify any persons with knowledge of New Cingular's co-location policy.

ANSWER:

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce any and all documents identified or relied upon in response to the above interrogatories.

RESPONSE:

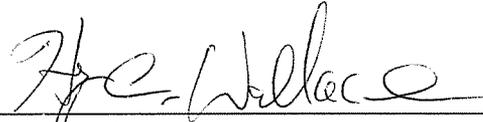
2. Produce any and all documents in your possession, custody or control which relate to the services that New Cingular intends to offer through use of the Tower, or that relate to the business purposes for which New Cingular intends to use the Tower.

RESPONSE:

3. Produce any and all agreements, including but not limited to master agreements and co-location agreements, relating to co-location in Kentucky to which you are a party.

RESPONSE:

Respectfully submitted,

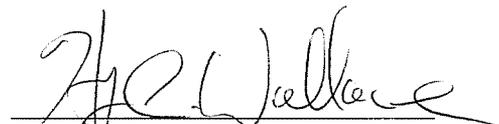


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Counsel to East Kentucky Network, LLC

CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing was served by first class United States mail this 14th day of November, 2005, upon the following:

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Counsel to BellSouth Mobility



**Counsel to East Kentucky
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